

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) CHERYL L. CHERRY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 14-CV-0401-JHP-FHM
)	
(1) STATE OF OKLAHOMA, ex rel.,)	
DEPARTMENT OF HUMAN SERVICES;)	
(2) EDWARD LAKE, Director of the)	
Oklahoma Department of Human Services,)	
in his individual capacity; and)	
(3) JINA VIETTA, in her individual capacity,)	
)	
Defendants.)	

NOTICE OF REMOVAL

1. The Oklahoma Department of Human Services (“DHS”), and its employees, Edward Lake (“Lake”), and Jina Vietta (“Vietta”), are defendants in a civil action brought against them in the District Court of Tulsa County, State of Oklahoma, and titled Cheryl L. Cherry v. State of Oklahoma ex rel., Department of Human Services, et al., Case No. CJ-2014-2160 (Tulsa County District Court).

2. At the time of filing this action and at the present time, the Plaintiff was and is seeking recovery in this case against the Defendants pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000-2, et seq., and 42 U.S.C. §1981; and §1983 for alleged violations of the Plaintiff’s rights under the United States Constitution (with pendent state claims).

3. This is the kind of action of which the United States District Courts have original jurisdiction pursuant to 28 U.S.C. §1331 and §1343(a)(3) because the Plaintiff’s

claims arise under the Constitution, laws or treaties of the United States, including Title VII and 42 U.S.C. §1981 and §1983.

4. The aforementioned action was commenced on June 4, 2014, and service of summons in the case was then made upon Defendant DHS on June 18, 2014, and upon Defendant Lake on June 19, 2014. Defendant Vietta has not yet been served with summons in this case. Therefore this Notice of Removal is timely filed by Defendants DHS and Lake under the provisions of 28 U.S.C. §1446.

5. Copies of all process, pleadings and orders served upon these Defendants in the aforementioned state action (and a copy of the state court's docket sheet in that case) are attached hereto as Exhibits 1 through 7 and made a part hereof.

Respectfully submitted,

s/RICHARD W. FREEMAN, JR.

Richard W. Freeman, Jr. (OBA #3130)

Assistant General Counsel

Department of Human Services

P.O. Box 25352

Oklahoma City, OK 73125-0352

Telephone: (405) 521-3638

Facsimile: (405) 521-6816

E-mail: Richard.Freeman@okdhs.org

*Attorney for Defendants Oklahoma
Department of Human Services
and Edward Lake.*

CERTIFICATE OF SERVICE

I certify that on the same date this Notice of Removal was filed in the United States District Court for the Northern District of Oklahoma that a true and correct copy of said Notice of Removal was served upon the above named Plaintiff by mailing said copy to Plaintiff's attorney of record and that a copy of said Notice of Removal was mailed to said Court Clerk of Tulsa County, Oklahoma, for filing this 17th day of July, 2014, and to the following attorneys of record:

Daniel E. Smolen
Smolen, Smolen & Roytman, PLLC
701 South Cincinnati Avenue
Tulsa, OK 74119

Attorney for Plaintiff.

s/RICHARD W. FREEMAN, JR.
Richard W. Freeman, Jr.